

for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raisers, farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original

statement of facts as a part of the record on appeal and writ of error in all causes on appeal or writ of error, from all courts, both civil and criminal, with an emergency clause."

And find the same correctly engrossed.
WARD, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, April 1, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears:

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article S25a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the enclosed lands of another; providing a penalty for a violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Weinert:

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act

passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.

Read first time, and referred to Committee on Educational Affairs.

Morning call concluded.

(By unanimous consent, after the morning call had been concluded):

By Senators Terrell of McLennan and Bryan:

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264 passed by the Regular Session of the Thirty-first Legislature, and House

bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Roads, Bridges and Ferries.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 3:
Relative to southern representation in the diplomatic service.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House Concurrent Resolution (see above message for caption):

House Concurrent Resolution No. 3, referred to Committee on Federal Relations.

SENATE BILL NO. 20.

The Chair laid before the Senate, on second reading and as special order,

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

The question on the bill was the pending amendments, one by Senator Terrell of Bowie to strike out the enacting clause, and one by Senator Alexander to perfect the bill.

Action occurred on the amendment to perfect the bill, and the same was adopted (see Journal of yesterday for amendment).

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding the following at the end of Section 1: "And where, in such will, testament or testamentary instrument of any character,

executors or trustees are named with powers conferred upon them sufficient to make them independent executors under the laws of this State, including power to sell real estate, then the filing of the will, as provided in Article 5353, Revised Statutes, 1895, shall be sufficient to authorize such executor or trustee to sell any real estate belonging to the estate of said testator and situated in this State, without the necessity of an ancillary administration in this State."

Senator Terrell of Bowie offered the following amendment:

Amend the bill by striking out of line 11, page 1, the following: "Have been heretofore," and insert in lieu thereof the following: "Shall hereafter be."

Senator Hume moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.

Nays—3.

Masterson.	Terrell of McLennan.
Terrell of Bowie.	

Absent.

Brachfield.	Sturgeon.
Paulus.	Willacy.
Senter.	

Action then recurred on the amendment by Senator Terrell of Bowie to strike out the enacting clause of the bill.

Senator Hume moved to table the amendment, which motion prevailed.

The bill was read second time, and ordered engrossed.

SENATE BILL NO. 26.

The Chair laid before the Senate, as pending business,

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare

illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith'; providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

The question on the bill was the pending amendment by Senator Meachum et al., and the same was withdrawn.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 22, after the word "bill" by adding after such word the following: "Provided, that the provisions of this act as to the fees to be allowed the prosecuting attorney shall not apply to any cause in which any judgment has heretofore been rendered in any court nor to any moneys to be hereinafter collected upon any such judgments theretofore rendered in any court whether such judgments are pending upon appeal or otherwise, and."

MEACHUM,
ALEXANDER,
STOKES,
HARPER,
MAYFIELD.

(President Pro Tem. Brachfield in the chair.)

Senator Meachum offered the following amendment:

Amend the bill, page 2, line 29, by striking out all after the word "upon," in said lines 29 and 30, and inserting in lieu thereof the following: "Such prosecuting officer making such contract and thereafter retiring from office."

Senator Watson offered the following substitute for the amendment:

Amend the bill by adding after the word "office," in line 30, the following: "Only to the extent that the prosecuting district or county attorney is interested in the judgment, and shall in no way affect the one-half of the fee to be paid to his successor."

Senator Meachum moved to table the substitute by Senator Watson, which motion to table was adopted by the following vote:

Yeas—15.

Alexander.	Greer.
Bryan.	Harper.
Cofer.	Hayter.

Holsey.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Stokes.
Ward.
Weinert.

Nays—11.

Adams.
Brachfield.
Hudspeth.
Hume.
Kellie.
Masterson.

Perkins.
Real.
Terrell of Bowie.
Veale.
Watson.

Absent.

Senter.
Sturgeon.

Terrell of McLennan.
Willacy.

The amendment by Senator Meachum was then adopted.

Senator Watson offered the following amendment:

Amend the bill, page 2, line 19, by striking out the words "ten per cent of the amount collected," and insert in lieu thereof the following: "10 per cent on the first \$1000 and 5 per cent on all sums in excess of \$1000 and not in excess of \$100,000, and 3 per cent on all sums in excess of \$100,000 of the amount collected."

WATSON,
HUDSPETH.

Senator Peeler moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—15.

Alexander.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hume.

Mayfield.
Meachum.
Murray.
Peeler.
Stokes.
Veale.
Ward.

Nays—11.

Adams.
Brachfield.
Hudspeth.
Kellie.
Masterson.
Paulus.

Perkins.
Real.
Terrell of Bowie.
Watson.
Weinert.

Absent.

Senter.
Sturgeon.

Terrell of McLennan.
Willacy.

Senator Masterson offered the following amendment:

Amend the bill by adding at the end

of Section 1, as amended, the following: "It is further provided herein that in case the suit is compromised before any final judgment in the trial court is had, then the fees herein provided for shall be reduced one-half."

MASTERTSON,
ALEXANDER,
MEACHUM,
HARPER.

Senator Meachum moved the previous question on the amendment and the bill. The motion being duly seconded, was so ordered.

The amendment was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Weinert.

Nays—1.

Watson.

Absent.

Murray.
Senter.

Sturgeon.
Willacy.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.
Alexander.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.

Meachum.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Weinert.

Nays—2.

Brachfield. Watson.
Absent.
Hume. Sturgeon.
Murray. Willacy.
Senter.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 29.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

The bill was read, and

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "Judge," in line 19, page 3, the following: "That Section 2 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature shall be amended so as hereafter to read as follows."

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "injunctions," in line 9, page 1, the following: "And providing for appeals from the orders and decrees of district and county courts, either granting or refusing temporary injunctions and fixing effects of such appeals, and repealing all laws in conflict herewith."

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "Legislature," in line 7, page 1, the following: "And Section 2 of said act."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams. Mayfield.
Alexander. Meachum.
Brachfield. Paulus.
Bryan. Peeler.
Cofer. Perkins.
Greer. Real.
Harper. Terrell of Bowie.
Hayter. Terrell of McLennan.
Holsey. Veale.
Hudspeth. Ward.
Kellie. Watson.
Masterson. Weinert.

Absent.

Hume. Stokes.
Murray. Sturgeon.
Senter. Willacy.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams. Mayfield.
Alexander. Meachum.
Brachfield. Paulus.
Bryan. Peeler.
Cofer. Perkins.
Greer. Real.
Harper. Terrell of Bowie.
Hayter. Veale.
Holsey. Ward.
Hudspeth. Watson.
Hume. Weinert.
Kellie. Willacy.
Masterson.

Absent.

Murray. Sturgeon.
Senter. Terrell of McLennan.
Stokes.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 46.

On motion of Senator Perkins, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 46, by the following vote:

Yeas—24.

Adams. Harper.
Alexander. Hayter.
Brachfield. Holsey.
Bryan. Hudspeth.
Cofer. Hume.

Kellie.	Real.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.

Nays—1.

Greer.

Absent.

Murray.	Sturgeon.
Senter.	Willacy.
Stokes.	

The Chair laid before the Senate, on second reading,

Senate bill No. 48, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder."

The bill was read, and

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding at end of caption the words "and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out "two nor more than five years," in lines 18 and 19, and insert in lieu thereof the following: "By fine not to exceed \$1000 or by imprisonment in the county jail for any length of time not exceeding two years, or by both such fine and imprisonment."

Senator Terrell of Bowie moved to table the amendment, which motion to table prevailed.

Senator Cofer offered the following amendment:

Amend the bill by striking out of line 16, page 1, the words "has been or," and by adding at end of line 19, page 1, the following: "Provided, the punishment in counties, justice precincts, cities, towns or subdivisions of a county, where the sale of intoxicating liquors is now prohibited by law, shall be as now provided by law, and this law shall only apply to such counties, justice precincts, cities, towns or subdivisions hereafter

prohibiting the sale of intoxicating liquor."

The amendment was lost by the following vote:

Yeas—12.

Cofer.	Meachum.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Stokes.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—13.

Adams.	Kellie.
Alexander.	Perkins.
Brachfield.	Terrell of Bowie.
Bryan.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Watson.
Hume.	

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

REASONS.

I introduced the amendment and voted for it because the Legislature has no right in law, as has been frequently held by the higher courts, to change the penalty for violating the local option law in communities where prohibition prevails. The people in that community are the only power on earth that can change the law, as they voted it. Law-hon vs. State, 9 S. W. Rep., 355; Dawson's Case, 25 Tex. App., 670. Neither do I think it right to attempt to change the law as the people voted it. Any change should apply only to communities hereafter adopting the law.

COFER,
GREER,
HARPER,
WARD.

Bill read second time, and ordered engrossed.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

Nays—1.

Watson.

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of
Holsey.	McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	

Nays—1.

Watson.

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 84.

On motion of Senator Weinert, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 84, by the following vote:

Yeas—25.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	

Absent.

Murray.	Veale.
Senter.	Willacy.
Sturgeon.	

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie.	Sturgeon.
Murray.	Veale.
Senter.	Willacy.

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie. Sturgeon.
Murray. Veale.
Senter. Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 84, Nixon Independent School District, in Gonzales county, with an emergency.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie. Sturgeon.
Murray. Veale.
Senter. Willacy.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie. Sturgeon.
Murray. Veale.
Senter. Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 35.

On motion of Senator Alexander, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 35, by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Masterson.	

Absent.

Kellie. Sturgeon.
Murray. Veale.
Perkins. Willacy.
Senter.

The Chair laid before the Senate, on second reading,

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Bill read second time, and ordered engrossed.

Senator Alexander moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

RECESS.

On motion of Senator Stokes, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

SENATE BILL NO. 35.

Action recurred on Senate bill No. 35, the question being on the motion by

Senator Alexander to suspend the constitutional rule requiring bills to be read on three several days and put the bill on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20.

Adams.	Masterson.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.

Nays—2.

Stokes.	Sturgeon.
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Absent.

Bryan.	Murray.
Holsey.	Senter.
Mayfield.	Terrell of McLennan.
Meachum.	Willacy.

The bill was read third time, and Senator Cofer offered the following amendment:

Amend the bill by adding at end of line 21, page 1, the following: "Provided, the penalties as now provided by law shall remain in force in such political subdivisions wherein the sale of intoxicating liquors is now prohibited by law. And this act shall have force and effect only in the counties, justice precincts, cities, towns and subdivisions hereafter voting to prohibit the sale of intoxicating liquors."

COFER,
WARD.

The amendment was read and adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Real.
Greer.	Veale.
Harper.	Ward.
Hayter.	Watson.
Kellie.	Weinert.
Meachum.	

Nays—7.

Brachfield.	Perkins.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Masterson.	

Absent.

Bryan.	Senter.
Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Willacy.

Senator Alexander offered the following amendment:

Amend the bill by inserting after the word "complaint," in line 22, page 1, of the printed bill the following words: "Under oath by any credible person."

ALEXANDER,
MEACHUM,
HUDSPETH.

The amendment was read and adopted by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

The bill was passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Nays—1.

Sturgeon.

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 12.

On motion of Senator Watson, the regular order of business (House bill No. 17) was suspended, and the Senate took up, out of its order, Senate bill No. 12, by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

The Chair laid before the Senate, on second reading,

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

Senator Meachum moved that the bill be considered by sections, which motion was adopted.

(Section 1.)

Senator Terrell of Bowie offered the following amendment:

Amend Section 1 as follows: Strike out all of said section beginning with

the word "may," in line 25, and insert in lieu thereof the following: "Shall appoint official shorthand reporters, and in such districts the provisions of this act shall apply."

The amendment was read and lost by the following vote:

Yeas—9.

Adams.	Peeler.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Watson.
Masterson.	

Nays—17.

Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Veale.
Hayter.	Ward.
Holsey.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Hume.	Terrell of
Mayfield.	McLennan.
Murray.	

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 21 the word "shall," and insert in lieu thereof the following: "May."

(Section 2.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifty," after the word "and," in line 4, page 2, and insert the word "twenty."

(Section 3.)

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 3, line 22, page 2, by inserting after the word "shall" the following: "In addition to the oath required of officers by the Constitution."

(Section 4.)

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 4, page 2, lines 31 and 32, by substituting for the words "all evidence" therein the words "all oral testimony."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 2, Section 4, page 3, by adding after the word "ruling" the following: "If during the trial of any case, either party threats or his attorney, shall desire to have the evidence already adduced upon the trial, or any part thereof, read over to him, he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred to be appointed by the court that such failure or refusal was intentional and without justification."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 4, page 3, line 3, by adding after the word "reference" the words "for at least one year."

(Section 5.)

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, line 10, by substituting for the words "transcribe the evidence" the words: "Transcribe the testimony and other proceedings recorded by him."

(Senator Holsey in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, lines 9 and 10, by striking out the words "when requested by the party appealing."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, line 9, by inserting after the words "reporter shall," the words "unless otherwise directed by all parties to the cause or their attorneys."

(Section 6.)

Senator Veale offered the following amendment:

Amend Section 6, page 3 of the bill by striking out in lines 18 and 19 the following words: "The party appealing," and insert in lieu thereof the following: "Said reporter."

Senator Senter offered the following amendment to the amendment.

Amend the amendment by the Senator from Potter by adding thereto the words: "Acting under the direction of the party appealing or his attorney."

Senator Watson moved to table the amendment and the amendment to the amendment.

The motion to table prevailed.

Senator Sturgeon moved to reconsider the vote by which the motion to table the above amendments prevailed.

The motion to reconsider was lost by the following vote:

Yeas—12.

Brachfield.	Peeler.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Murray.	Veale.
Paulus.	Ward.

Nays—13.

Adams.	Masterson.
Bryan.	Meachum.
Cofer.	Terrell of Bowie.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Alexander.	Real.
Mayfield.	Stokes.
Perkins.	

SPECIAL COMMITTEE REPORT.

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Arrangements for the Bryan speaking recommend as follows:

The Senate to meet in their own Chamber at 10:30 a. m. on April 5, and go in a body into the House, and occupy seats in the center aisle set aside for them. The Speaker of the House and President of the Senate presiding in joint session. The Hon. A. B. Davidson shall introduce Hon. W. J. Bryan. The Governor of this State may occupy the Speaker's stand with the Lieutenant Governor and Speaker of the House.

There shall be printed for distribution 900 tickets for the first floor, which shall be divided as follows:

Four tickets for each member of the House and Senate and two tickets each for the eight heads of State departments, two tickets each for the Railroad Commissioners, two tickets each for the members of the Supreme Court, two tickets each for the members of the Court of Criminal Appeals, two tickets for the Judges of the Austin Court of Civil Appeals, two tickets for the Adjutant General, two tickets for the State Revenue Agent, two tickets for the Commissioner of Insurance, two tickets for the State Health Officer, four tickets for the Superintendent of Public Buildings and Grounds, four tickets for the Chief Clerk of the House, four tickets for the Sergeant-at-Arms of the House, four tickets for the Secretary of the Senate, four tickets for the Sergeant-at-Arms of the Senate, twenty tickets for the Governor, twenty tickets for the Lieutenant Governor and twenty tickets for the Speaker of the House, one ticket each for the employees of House and Senate, members of the press to be allowed one ticket each.

The gallery to be open to the public under the direction of the committee upon the part of the House.

Tickets of any members not present to claim same shall be turned over to the Speaker and Lieutenant Governor to be distributed among other members upon application.

Each of said tickets must be countersigned by the Speaker of the House, or under his direction. All tickets must be taken up when presented at the door. The Sergeant-at-Arms of the House shall place a doorkeeper at each entrance door of the gallery and hall. The doorkeeper will admit no one upon the floor of the House except upon a ticket of admission to the floor or under the rules of the House. The Chief Clerk shall at once have said tickets printed and deliver same to the Speaker to be countersigned, and when so countersigned, they shall at once be delivered to parties entitled thereto, and when tickets are assigned to parties not in the city the Chief Clerk shall notify said parties that he holds said tickets subject to their order and state where they can be delivered upon their arrival in the city of Austin. The doors of the Capitol will be opened at 10:30 a. m. for admission. The House will be called to order in joint session at 11 o'clock on April 5, 1909.

The expense of said reception, including carriages, shall be paid out of

the contingent expense fund of the First Called Session of the Thirty-first Legislature.

BRACHFIELD,
WILLACY,
PEELER,
STOKES,
HUME.

The report was read and adopted.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 71, "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 5:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 87; A bill to be entitled "An Act to authorize any county or political subdivision or other defined districts of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating

macadamized, graveled and paved roads and turnpikes or in aid thereof, creating road districts, making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Perkins, Paulus, Murray, Mayfield, Terrell of McLennan, Peeler.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas, by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel or other useful purposes from the enclosed lands of another, providing a penalty for a violation thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Stokes, Sturgeon, Greer, Murray, Senter.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for

free school purposes only, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Harper, Veale, Hume, Meachum, Brachfield, Weinert, Bryan.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by

law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district, in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2980, Title 56 of the Revised Civil Statutes, with

respect to the granting of injunctions, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Adams:

Memorial from Gum Springs Farmers' Union, favoring guaranty bill.

Petition from Llano, favoring guaranty bank bill.

By Senator Hudspeth:

San Angelo, Texas, March 18, 1909.

To Hon. C. B. Hudspeth, State Senate, and Hon. Brown F. Lee, House of Representatives, Austin, Texas.

Sirs: In view of the fact that a large majority of the leading bankers and financiers of the State are strongly opposed to the enactment of any law bearing on the guaranty of deposits; and

Believing that this opposition to such a law is based upon the actual experience of able men who have devoted a lifetime to the study of banking, dreading the ultimate results that may arise from a radical departure from the solid experience of the past, and that such opposition is not from selfish motives; and

Believing that the enactment of such a law would be in violation of the fundamental principles of our institutions; and

Believing that the law guaranteeing deposits, even in Oklahoma, is yet an unsupported theoretical experiment which has already required amendments, one of the amendments asked for showing the grave apprehension of danger lurking in such a law; and

Believing that time alone can only furnish a practical demonstration as to whether or not the guaranty law of Oklahoma should be an object lesson for Texas to follow; and

Further believing that, even if there is a platform demand on that subject, which is denied by some, it would not suffer by deferring action in the matter until two years hence.

Therefore, we would earnestly represent that we deem it the part of wisdom and discretion that the Legislature of Texas do not act hastily in a matter so momentous to the financial interest of the State, but rather defer action thereon for the next two years, thereby enabling our law-makers to see the result

of such a law in other States, and profit thereby.

Numerously signed.

By Senator Weinert:

Petition from C. D. Mead and other citizens of Hays county, favoring House bill No. 54, creating the office of State Fire Marshal.

Petition from Farmers' Union of Guadalupe county, favoring House bill No. 1, and also a like petition from Farmers' Union of Gonzales county.

By Senator Hayter:

Chico, Texas, March 30, 1909.

J. P. Hayter, State Senator:

We, the members of Chico Union, ask that you consider the Cureton bill on bank guaranty, and that you vote for the bill without any amendment if you can honestly do so.

Yours truly,
W. W. JONES,
Secretary.

By Senator Hayter:

To the Hon. J. P. Hayter:

We, the undersigned members of Joe Bailey local Farmers' Union of Wise county, earnestly ask your support of the Cureton bill which guarantees the deposits of State banks. We also ask that you oppose any amendments to this bill, supporting only the original.

By Senator Bryan:

Rochester, Texas, March 27, 1909.

To Hon. W. J. Bryan, Senate Chamber, Austin, Texas.

Dear Sir: Believing that the bill introduced in the House by Representative Cureton of Bosque county, known as House bill No. 1 for guaranteeing of deposits in State banks, if enacted into law, will increase bank deposits in our State and otherwise contribute to a feeling of safety in financial circles in our State, thereby reducing to the minimum the probability of panic. We, the undersigned citizens of Haskell county and constituents of your district, expect you to give said bill your hearty support in the Senate and to do all in your power to prevent its being so amended as to weaken or thwart its original purpose.

Numerously signed.

By Senator Adams:

To the Hon. Wm. Adams, Austin, Texas:

We, the undersigned, your constituents, respectfully request and urge your support to the State bank guaranty law.

This law has been demanded by the Democrats in the State convention, and we feel certain that an overwhelming majority of the people of the State of Texas favor the enactment of this law and we, knowing that you recognize yourself to be a true Democrat, you certainly will not oppose the will of the Democrats of Texas.

Numerously signed.

The Chair had the following read to the Senate:

Albany, Texas, March 29, 1909.

To the Honorable Legislature of Texas:

We, the undersigned citizens of Shackelford county, Texas, do hereby petition the said honorable body that you enact some law by which you repeal all laws passed by you at the present session of the Legislature, and adjourn at once, and stop the expense to the State.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 2, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Prayer by the Chaplain of the House of Representatives, Rev. W. J. Joyce.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senators Watson and Hume:

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act